

**WEST LINN HISTORIC REVIEW BOARD**  
**FINAL DECISION AND ORDER**  
**DR-15-15**

**IN THE MATTER OF A PROPOSAL TO CONSTRUCT A NEW 3-STALL  
DETACHED GARAGE AT 20375 WILLAMETTE DRIVE.**

**I. Overview**

At their meeting on May 17, 2016, the Historic Review Board ("Board") held a public hearing to consider the request by Dee and Sherri Burch, Property Owners, to approve a proposal to construct a new 3-stall detached garage at 20375 Willamette Drive. The approval criteria for this Class II Historic Design Review are found in Community Development Code (CDC) Chapter 11, R-10 Zoning; Chapter 25, Overlay Zones - Historic District; and Chapter 34 – Accessory Structures. The hearing was conducted pursuant to the provisions of Chapter 99.

The hearing commenced with a staff report presented by Darren Wyss, Associate Planner. Dee Burch presented as the applicant. There was no additional public testimony. The hearing was closed, and a motion was made by Board Member Jim Mattis and seconded by Board Member Peter Graves to approve the application with staff recommended condition of approval. The motion passed unanimously.

**II. The Record**

The record was finalized at the May 17, 2016, hearing. The record includes the entire file from DR-15-15.

**III. Burden of Proof**

The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards, and a local government is not required to approve a noncomplying development proposal. *Adler v. City of Portland*, 25 Or LUBA 546 (1995). The historic design review application requires decisions on land use applications that necessitate compliance with customary land use procedures. Therefore, the applicant is required to carry the burden of meeting each and every criterion for approval.

**IV. Incorporation of Staff Report**

The Staff Report for May 17, 2016, is incorporated into this Final Decision and Order, and all the facts, findings and determinations in those Staff Reports are adopted except where the findings in this Final Decision and Order conflict with those Staff Reports. Where there is a conflict

between this Final Decision and Order and the findings in the Staff Reports, the findings in this Final Decision and Order shall govern.

**V. Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The Applicant is Dee and Sherri Burch.
- 3) The Board finds that it has received all information necessary to make a decision based on the Staff Report and incorporated findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

**VI. Findings and Determinations**

The Board adopts the Staff Report for May 17, 2016, with attachments, including specifically the Addendum as its findings, which are incorporated by this reference.

The Board concludes that there is substantial evidence in the record to demonstrate that all of the required approval criteria are met subject to the conditions of approval below.

**VII. Order and Conditions of Approval**

The Board concludes that DR-15-15 is approved based on the Record, Findings of Fact, the Findings above, and the following condition of approval:

1. Site Plan, Elevations, and Narrative. The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-4.

  
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ADAM PETERSEN, ACTING CHAIR  
WEST LINN HISTORIC REVIEW BOARD

5/24/16  
\_\_\_\_\_  
DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 25<sup>th</sup> day of MAY, 2016.

Therefore, this decision becomes effective at 5 p.m., June 8, 2016.